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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/315,796	05/20/1999	BILL L. DAVIS	111667-1000	6944

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EXAMINER
FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
2854	55

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/315,796	Davis et al.
Examiner	**Art Unit**
Stephen Funk	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Sep 16, 2001*.

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-151* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *1-5, 12-14, and 39-41* is/are allowed.

6) ☒ Claim(s) *6-11, 15-38, and 42-151* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

The marked-up copy of applicant's amendments to column 1 lines 17 - 24 and column 4 lines 46 - 51 have been entered. Applicant is again reminded that all text to be added in a reissue application must be underlined and all text to be deleted must be bracketed. No clean copy is necessary for amendments to the specification. See M.P.E.P. 1411.

None of the claims submitted on September 19, 2001 are in compliance with 37 C.F.R. § 1.173(d). Specifically, the added text to claims 9, 15, and 21 must be underlined and the deleted text must be bracketed, each with respect to the *original* patent only. The entirety of claims 42 - 151 must be underlined as all text is added with respect to the *original* patent. Additionally, the "clean copy" of claim 76 contains bracketing. So as to advance prosecution, the claims have been entered but it is applicant's responsibility to resubmit each of these claims in proper format in response to this office action.

Furthermore, at least claims 82 and 120 contain amendments not properly indicated in the marked-up copy. In claim 82 line 5 applicant has inserted the terminology "thin controlled layers" and in claim 120 the dependency has been changed from "119" to --117--.

Claims 42 - 87, 94 - 96, 100 - 102, 109, 110, 112, 113, 125, 127 - 137, 139, and 141 - 151 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. The added material which is not supported by the prior patent is addressed below in the 35 U.S.C. 112, first paragraph, rejection.

Claims 42 - 87, 94 - 96, 100 - 102, 109, 110, 112, 113, 125, 127 - 137, 139, and 141 - 151 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

First, there is no adequate support in the disclosure for the substrate being printed on the other side, i.e. perfector printing. While the Declaration filed Sept. 19, 2001 has been carefully considered there is no objective evidence that a continuous in-line process necessarily implies perfector printing.

Second, the disclosure does not provide support for the terminology "thin controlled layers" as is now recited in claim 82 line 5. Applicant should particularly note that this added limitation is not even indicated in the marked-up copy.

Claims 91 - 123 are objected to under 37 C.F.R. 1.75(a) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 91, 94, 97, 100, 103, 109, 114, 119 it is not clear how the flexographic plate on the blanket cylinder receives a flexographic image from the anilox roller as there is no image on the anilox roller. Furthermore, there is no flexographic image received on the blanket cylinder per se as it is covered by the flexographic plate. While in a broad sense the image is associated with the blanket cylinder, it is misleading and confusing to recite that the image is on the blanket cylinder.

Claim 120 is improperly dependent upon claim 117.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 - 8, 38, and 49 - 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland (G 93 05 552.8) in view of Pantone and Offsetpraxis. MAN Roland teaches a combined lithographic and flexographic apparatus and process wherein a flexographic unit may be placed upstream of the lithographic units. (It is noted that MAN Roland discloses printing metallic inks in the body of the disclosure.) Pantone teaches the conventionality of printing/coating metallic inks **upstream** of other colors. Offsetpraxis teaches metallic inks having an aqueous based vehicle. It would have been obvious to one of ordinary skill in the art to utilize

the apparatus and method of MAN Roland to print aqueous based metallic inks in view of Pantone and Offsetpraxis to achieve a superior metallic image. With respect to claim 49 the alternative limitation "or" printing on the opposite side does not positively recite actually printing on the other side of the substrate. With respect to the dependent claims it would have been obvious to one of ordinary skill in the art through routine experimentation to use either uniform or non-uniform sized metal particles to achieve the desired metallic effect.

Claims 9 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Pantone and Offsetpraxis as applied to the claims above, and further in view of Bird (US 4,841,903). Bird teaches the conventionality of an adapted flexographic unit (12) wherein the flexographic plate (20a) is mounted on a plate cylinder which contacts a blanket cylinder (23a). See the entire disclosure of Bird. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Pantone and Offsetpraxis, with a plate cylinder mounted flexographic plate and blanket cylinder in view of Bird so as to selectively utilize the unit as a flexographic or lithographic unit. Note the anilox roller of MAN Roland.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Pantone and Offsetpraxis as applied to claims 6 - 8, 38, and 49 - 51 above, and further in view of Schone et al. (US 4,188,883). Schone et al. teach the conventionality of perfector printing. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Pantone and Offsetpraxis, with perfector printing in view of Schone et al. so as to print both sides of the substrate in one pass.

Claims 10, 29, and 31 - 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Satterwhite (US 4,308,796). While the claims of MAN Roland do not specifically recite printing a flexographic color ink image with the flexographic unit, it is noted that the disclosure of MAN Roland clarifies that the lacquer recited in the claims could be a colored image. However, Satterwhite teaches a flexographic unit for either coating or printing a flexographic image. See the Abstract and column 2 line 40 through column 3 line 10 of Satterwhite. It would have been obvious to one of ordinary skill in the art to provide the apparatus and process disclosed by MAN Roland with the capability of printing a flexographic image in view of Satterwhite to achieve the benefits of printing with a flexographic unit. With respect to the dependent claims note that MAN Roland teaches an overcoating unit and both waterless (dry lithography) and solvent based inks are notoriously conventional in the art.

Claims 11, 30, and 60 - 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Satterwhite as applied to the claims above, and further in view of Bird ('903). Bird teaches the conventionality of an adapted flexographic unit (12) wherein the flexographic plate (20a) is mounted on a plate cylinder which contacts a blanket cylinder (23a) and the conventionality of interstation dryers (25, 25a). See the entire disclosure of Bird. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Satterwhite, with a plate cylinder mounted flexographic plate and blanket cylinder in view of Bird so as to selectively utilize the unit as a flexographic or lithographic unit. Additionally, it would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Satterwhite, with interstation dryers in

view of Bird so as to dry the images before subsequent printing and/or coating.

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Satterwhite and Bird as applied to claims 11, 30, and 60 - 66 above, and further in view of Schumacher et al. (US 5,079,044). Schumacher et al. teach the conventionality of printing an encapsulated essence. See column 1 lines 29 - 31 of Schumacher et al., for example. It would have been obvious to one of ordinary skill in the art to provide the method of MAN Roland, as modified by Satterwhite and Bird, with the step of printing an encapsulated essence in view of Schumacher et al. to apply a sufficiently heavy coating.

Claims 68 - 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Satterwhite and Bird as applied to claims 11, 30, and 60 - 66 above, and further in view of Pantone and Offsetpraxis. Pantone and Offsetpraxis have been addressed above. It would have been obvious to one of ordinary skill in the art to utilize the apparatus and method of MAN Roland, as modified by Satterwhite and Bird, to print aqueous based metallic inks in view of Pantone and Offsetpraxis to achieve a superior metallic image.

Claims 34 - 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Satterwhite as applied to claims 10, 29, and 31 - 33 above, and further in view of Schumacher et al. (US 5,079,044). Schumacher et al. teach the conventionality of printing an encapsulate essence. See column 1 lines 29 - 31 of Schumacher et al., for example. It would have been obvious to one of ordinary skill in the art to provide the method of MAN Roland, as modified by Satterwhite, with the step of printing an encapsulated essence in view of Schumacher et al. to apply a sufficiently heavy coating. With respect to claim 36 UV curing is notoriously

conventional in the art.

Claims 42, 43, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Satterwhite as applied to claims 10, 29, and 31 - 33 above, and further in view of Schone et al. Schone et al. has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Satterwhite, with perfector printing in view of Schone et al. so as to print both sides of the substrate in one pass.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Satterwhite and Schone et al. as applied to claims 42, 43, and 53 above, and further in view of Bird. Bird has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Satterwhite and Schone et al., with a plate cylinder mounted flexographic plate and blanket cylinder in view of Bird so as to selectively utilize the unit as a flexographic or lithographic unit.

Claims 15 - 23, 37, 44 - 48, 55, 88 - 93, 97 - 99, 103 - 108, 114 - 118, 124, 126 - 130, 138, and 140 - 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird ('903). MAN Roland and Bird have been addressed above. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland with a plate cylinder mounted flexographic plate and blanket cylinder in view of Bird so as to selectively utilize the unit as a flexographic or lithographic unit. With respect to the dependent claims lithographic halftone printing is notoriously conventional in the art as well as lithographic and flexographic solid printing and both sheet fed and web fed units are conventional in the art.

Note that MAN Roland teaches a dedicated flexographic station whereas Bird teaches a retractable coater flexographic unit so as to permit selective use of the unit as either a lithographic or flexographic unit.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird as applied to the claims above, and further in view of Schumacher et al. Schumacher et al. has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the method of MAN Roland, as modified by Bird, with the step of printing an encapsulated essence in view of Schumacher et al. to apply a sufficiently heavy coating.

Claims 25 - 28, 131 - 134, and 145 - 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird as applied to the claims above, and further in view of Pantone and Offsetpraxis. Pantone and Offsetpraxis have been addressed above. It would have been obvious to one of ordinary skill in the art to utilize the apparatus and method of MAN Roland, as modified by Bird, to print aqueous based metallic inks in view of Pantone and Offsetpraxis to achieve a superior metallic image.

Claims 56, 57, 135, 136, 149, and 150 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird as applied to the claims above, and further in view of Roulleau (US 4,109,572). Roulleau teaches printing an opaque white ink by flexography. See column 3 lines 61 - 68 of Roulleau. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Bird, with the step of printing with an opaque white ink in view of Roulleau so as to provide sufficient contrast for subsequently printed colors.

Claims 137 and 151 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird and Roulleau as applied to claims 56, 57, 135, 136, 149, and 150 above, and further in view of Schumacher et al. Schumacher et al. has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the method of MAN Roland, as modified by Bird and Roulleau, with the step of printing an encapsulated essence in view of Schumacher et al. to apply a sufficiently heavy coating.

Claims 42, 43, 80, 81, 94 - 96, 100 - 102, 109 - 113, 119 - 123, 125, 127 - 130, 139, and 141 - 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird and Schone et al. Each of MAN Roland, Bird, and Schone et al. have been addressed above. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Bird, with perfector printing in view of Schone et al. so as to print both sides of the substrate in one pass.

Claims 131 - 134 and 145 - 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird and Schone et al. as applied to the claims above, and further in view of Pantone and Offsetpraxis. Pantone and Offsetpraxis have been addressed above. It would have been obvious to one of ordinary skill in the art to utilize the apparatus and method of MAN Roland, as modified by Bird and Schone et al., to print aqueous based metallic inks in view of Pantone and Offsetpraxis to achieve a superior metallic image.

Claims 135, 136, 149, and 150 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird and Schone et al. as applied to the claims above, and further in view of Roulleau. Roulleau has been addressed above. It would have been obvious to one of

ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Bird and Schone et al., with the step of printing with an opaque white ink in view of Roulleau so as to provide sufficient contrast for subsequently printed colors.

Claims 137 and 151 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Bird, Schone et al., and Roulleau as applied to claims 135, 136, 149, and 150 above, and further in view of Schumacher et al. Schumacher et al. has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the method of MAN Roland, as modified by Bird, Schone et al., and Roulleau, with the step of printing an encapsulated essence in view of Schumacher et al. to apply a sufficiently heavy coating.

Claims 72, 74, 76, 86, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Schone et al. Both MAN Roland and Schone et al. have been addressed above. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland with perfector printing in view of Schone et al. so as to print both sides of the substrate in one pass.

Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over MAN Roland in view of Schone et al. as applied to claims 72, 74, 76, 86, and 87 above, and further in view of Bird. Bird has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of MAN Roland, as modified by Schone et al., with a plate cylinder mounted flexographic plate and blanket cylinder in view of Bird so as to selectively utilize the unit as a flexographic or lithographic unit.

Claims 77 - 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAN

Roland in view of Schone et al. as applied to claims 72, 74, 76, 86, and 87 above, and further in view of Schumacher et al. Schumacher et al. has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the method of MAN Roland, as modified by Schone et al., with the step of printing an encapsulated essence in view of Schumacher et al. to apply a sufficiently heavy coating. With respect to claim 79 UV curing is notoriously conventional in the art.

Claims 6, 10, 29, 31, 38, 44 - 46, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartung et al. (US 5,638,752). Hartung et al. teach the apparatus and method as recited. See the entire disclosure of Hartung et al.

Claims 6, 10, 29, 31, 38, 44 - 46, and 49 are rejected under 35 U.S.C. 102(a) as being anticipated by Hartung et al. (EP 620,115). Hartung et al. teach the apparatus and method as recited. See the translation of Hartung et al.

Claims 7, 8, 32, 33, 47, 48, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartung et al. ('752) or ('115). Hartung et al. do not specifically disclose the size of the metallic particles, the types of inks, or the types of substrates. However, each of the recited sizes of particles, ink types, or substrate types would either have been obvious to one of ordinary skill in the art through routine experimentation or are conventional in the art.

Claims 9, 11, 15 - 23, 25 - 28, 30, 37, 52, 55 - 57, 60 - 66, 68 - 71, 88 - 90, 91 - 93, 97 - 99, 103 - 108, 114 - 118, 124, 126 - 134, 138, and 140 - 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartung et al. ('752) or ('115) in view of Bird. Bird has been addressed above. It would have been obvious to one of ordinary skill in the art to

provide the apparatus and method of Hartung et al. with a plate cylinder mounted flexographic plate and blanket cylinder in view of Bird so as to selectively utilize the unit as a flexographic or lithographic unit. With respect to the dependent claims note the comments above.

Claims 53, 72, 74 - 76, 81, and 85 - 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartung et al. ('752) or ('115) in view of Schone et al. Schone et al. has been addressed above. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of Hartung et al. with perfector printing in view of Schone et al. so as to print both sides of the substrate in one pass.

Claims 54, 73, 80, 94 - 96, 100 - 102, 109 - 113, 119 - 123, 125, 127 - 134, 139, and 142 - 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartung et al. ('752) or ('115) in view of Bird and Schone et al. It would have been obvious to one of ordinary skill in the art to provide the apparatus and method of Hartung et al. with a plate cylinder mounted flexographic plate and blanket cylinder in view of Bird so as to selectively utilize the unit as a flexographic or lithographic unit and with perfector printing in view of Schone et al. so as to print both sides of the substrate in one pass.

If it is determined that the entire disclosure of MAN Roland is available as prior then the following rejection applies. However, on the most part, applicant's position that only the claims are available as prior art has been accepted lacking any available rulings to the contrary. However, applicant should noted M.P.E.P. 2128.

Claims 6, 10, 29, 31, 38, 44 - 46, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by MAN Roland. MAN Roland teach the apparatus and method as recited. See the

translation of MAN Roland.

The above rejections over Hartung et al. ('752) and ('115) have been made as no objective evidence has been provided to antedate the filing date of Hartung et al. ('752) or the disclosure date of Hartung et al. ('115).

Claims 1 - 5, 12 - 14, and 39 - 41 are allowed.

Claims 58, 59, and 82 - 84 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

The original patent, or an affidavit or declaration, as to loss of inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 C.F.R. 1.178.

Applicant's arguments filed Sept. 19, 2001 have been fully considered but they are not persuasive. Applicant's arguments and the Declaration filed Sept. 19, 2001 do not provide any objective evidence that the original disclosure sufficiently discloses perfector printing or that the prior art rejections are improper. The blanket statements that the disclosure of U.S. 5,630,363 reasonably conveys to "one of ordinary skill in the art" that the inventors had possession of perfector printing or that the prior art rejections "would not have been obvious to one of ordinary skill in the art" are not sufficient to overcome the above rejections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The patent sought to be reissued by this application has been involved in litigation. Any documents and/or materials, including the defenses raised against validity or against enforceability because of fraud or inequitable conduct, which would be material to the examination of this reissue application are required to be made of record in response to this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday, Tuesday, Thursday, and Friday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisory, John Hilten, can be reached at (703) 308-0719. The fax number for official papers is (703) 308-7722, 7724. Unofficial papers can be faxed directly to the examiner at (703) 746-4393.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk
December 6, 2001

STEPHEN R. FUNK
PRIMARY EXAMINER